

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

1 3/11/01 TW
Rec'd 2/12/01

GREGORIO A, VARGAS #CS-4471

1: CV 01 ~~0296~~

P.O. BOX 999, 1120 PIKE STREET SMITHFIELD

HUNTINGDON, PA 16652

(Enter above the full name and address
of the plaintiff in this action)

VS

C.O. POWELL; C.O. BIGALOW, SGT. EWIN & JOHN DOE KITCHEN PERFORMED

SCRANTON

P.O. BOX 999, 1120 PIKE STREET

HUNTINGDON, PA 16652

(Enter above the full name, title and business
address of each defendant in this action)

FEB 15 2001

PER [Signature]
DEPUTY CLERK

Plaintiff brings this action against the above named and identified defendants
on the following cause in this action.

- I. Where are you now confined? SCI- SMITHFIELD
What sentence are you serving? 5 YR-2 MONTHS TO 30 YEARS
What court imposed the sentence? LANCASTER COUNTY

II. Previous Lawsuits

- A. Describe any and all lawsuits in which you are a plaintiff which deal
with the same facts involved in this action. (If there is more than one
lawsuit, describe the additional lawsuits on another piece of paper, using
the same outline.)

1. Parties to this previous lawsuit

Plaintiffs: NONE

Defendants: NONE

2. Court (if federal court, name the district; if state court,
name the county) and docket number
NONE

3. Name the judge to whom the case was assigned NONE

4. Disposition (For example: Was the case dismissed? Was it appealed?
Is it still pending? NONE

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- V. Did the incident of which you complain occur in an institution or place of custody in this District: If so, where? Yes, SCI @ Smithfield State Prison
P.O. Box 999, 1120 Pike Street Huntigdon, PA 16652

Answer the following questions:

- A. Is there a prisoner grievance procedure in this institution?
 Yes (X) No ()
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?
 Yes (X) No ()
- C. If your answer is Yes,
1. What steps did you take: I spoke with a major, and also a counselor and it was totally ignored.
 2. What was the result? I never heard anything & nothing was done.
- D. If your answer is NO, explain why not: _____
- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes (X) No ()
- F. If your answer is Yes,
1. What steps did you take: Made an attempt to file a grievance
 2. What was the result? nothing happened!

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Yes I would like to open a law suit against, C.O. Bigalow, Sgt. Ewin, C.O. Powell 2-10 shift R.H.U. Corrections Officer. Also the kitchen personal which I will call John Doe's. I would like to reimbursed for my medical charges that was taken off my inmate account, as well as an undisclosed amount for pain & suffering!

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

2-9-001
 (Date)

Gregorio A Vargas
 (Signature of Plaintiff)
 (Gregory A. Vargas)

5. Approximate date of filing lawsuit: NONE
6. Approximate date of disposition NONE
- B. Prior disciplinary proceedings which deal with the same facts involved in this action:
- Where? NONE
- When? NONE
- Result: NONE

III. What federal law do you claim was violated?

I AM NOT ABLE TO ATTAIN A FEDERAL BOOK TO RECITE THE LAWS AND WHICH LAWS

WERE BROKEN, BUT I FALL ON CRUEL & UNUSUAL PUNISHMENT AND WHAT EVER LAW MAY FALL UNDER NAILS BEING FOUND IN MY MOUTH, DUE TO EATING MY FOOD

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

- A. Date of event: OCTOBER 2, AND OCTOBER 17TH
- B. Place of event SCI-SMITHFIELD RHU- H. BLOCK UNIT 12 CELL
- C. Persons involved - name each person and tell what that person did to you:

ON OCT. 2ND , I RECEIVED A TRAY WITH HAM, SWEET POTATOES & PEAS . WHILE EATING
I SWALLOWED SOMETHING THAT FELT SHARP . I IMMEDIATELY BEGAN TO CHOKE . SO MY
CELLIE VICTOR RODRIGUES, CALLED A C.O POWELLS . I GOT SCARED AND PUT MY
FINGERS DOWN MY THROAT . IN AN ATTEMPT TO BRING UP THE FOREIGN SHARP OBJECT
C.O POWELLS, POWELLS RETREIVEVED A OBJECT FROM MR. RODRIGIGUS . C.O POWELLS,
IMMEDIATELY RUSHED ME TO MEDICAL . WHERE X-RAYS WERE TAKEN . THESE X-RAYS
SHOWED 3 FOREIGN METAL PIECES IN MY STOMACH .
ALMOST 2 WEEKS LATER, ON OCTOBER 17th, THE MEAL FOR THIS DAY WAS BEEF STEW,
RICE . UPON EATING OFF MY FOOD TRAY, I BIT INTO SOMETHING . I YELLED FOR THE
R.H.U. C.O BIGELOW . HE RESPONDED WITH, THERE'S NOTHING IN YOUR FOOD . TO MY
DISMAY, I BEGAN TO BLEED FROM THE MOUTH . OTHER INMATES BEGANING YELLING, HE'S
NOT A DOCTOR . SO C.O BIGELOW, UPON HEARING OTHER INMATES SAYING , "MAN DOWN"
KICKED MY DOOR OPEN . I UPON THE MEDICAL STAFF ARRIVAL . FELT THAT SGT. EWING
MISSED TREATED ME BADLY . UPON LAYING ON THE FLOOR, HE PUT HIS KNEE ON MY HEAD
ANFD TRISTED MY HANDS BACK . I WAS THEN DRAGGED BY MY ARMS AND PLACED ON A
STRETCHER . WHEN I FINALLY GOT TO MEDICAL I HAD A PANIC ATTACK . ABOUT 30
MINUTES LATER, A NAIL WAS FOUND IN THE BACK THROAT AREA . THERE WERE 1 RUSTY &
USED . THEY ALSO FOUND 3 OTHER FOREIGN TYPES OF METAL !